



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,816	07/31/2002	Dean Mersky	100650.0001US1	2448
34284	7590	05/14/2007		
Rutan & Tucker, LLP. Hani Z. Sayed 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER LIU, I JUNG	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/088,816	Applicant(s) MERSKY, DEAN	
	Examiner Marissa Liu	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/31/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The Examiner left the voice message regarding the election/restriction requirement of group I: claims 1-13 or group II: claims 14-19 on 5/3/2007. The attorney responded on 5/4/2007. The attorney elected Group I: claims 1-13 over the phone and cancelled Group II: claims 14-19.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 11 are rejected under 35 U.S.C. 102(e) as being unpatentable by Walker et al., Patent No.: US 6,405,174 B1 (PTO 892 form A).

3. As per claim 1, Walkers et al. teaches a method of funding a purchase from a vendor, comprising:

a customer electronically providing a first account code password to the vendor to secure a payment for a customer transaction (column 11, lines 41-50, where “credit card number” is equivalent of “account code”);

the vendor electronically providing the first account code to a finding entity (column 11, line 41-column 12, line 13);

Art Unit: 3691

the finding entity remitting at least a portion of the payment to the vendor, and billing the customer for the transaction (column 7, lines 8-26; Figs. 6-8 and 10); and

the funding entity attempting to collect a remittance from the customer, but having primary recourse against the vendor, and only contingent recourse against the customer if the vendor fails to make an adequate remittance (see column 7, lines 8-26; Fig. 6-8 and 17-20).

4. As per claim 2, Walkers et al. teaches the method of claim 1 described above. Walkers et al. further teaches wherein the vendor is a professional and the transaction comprises purchasing professional services from the vendor (abstract; column 4, lines 9-19; column 13, lines 47-49).

5. As per claim 3, Walker et al. teaches the method of claim 1 described above. Walker et al. further teaches wherein the transaction comprises purchase of goods (abstract; column 4, lines 9-19; column 13, lines 47-49).

6. As per claim 4, Walker et al. teaches the method of claim 1 described above. Walker et al. further teaches the method wherein the transaction comprises purchase of a service (abstract; column 4, lines 9-19; column 13, lines 47-49).

7. As per claim 5, Walker et al. further teaches the method of claim 1 described above. Walker et al. further teaches wherein the finding entity comprises a factor (abstract; column 1, lines 63-65; column 4, lines 11-15).

8. As per claim 11, Walker et al. teaches the method of claim 1 described above. Walker et al. further teaches the method comprising the vendor communicating financial details of the

Art Unit: 3691

transaction to the finding entity using a public packaged switched network (abstract; column 3, lines 28-56, where “internet” is equivalent of “public network”).

9. Claims 1, 6-10 and 12-13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Lawlor et al. (PTO 892 form B).

10. As per claim 1, Lawlor et al. teaches a method of funding a purchase from a vendor comprising:

a customer electronically providing a first account code password to the vendor to secure a payment for a customer transaction (column 3, lines 47-56; column 23, lines 5-8; column 5, lines 26-53; column 21, line 47-column 22, line 43);

the vendor electronically providing the first account code to a finding entity (column 5, lines 26-53; column 21, line 47-column 22, line 43);

the finding entity remitting at least a portion of the payment to the vendor, and billing the customer for the transaction (column 12, lines 5-20; column 18, lines 62-68; column 19, lines 5-19; column 33, lines 51-67); and

the funding entity attempting to collect a remittance from the customer, but having primary recourse against the vendor, and only contingent recourse against the customer if the vendor fails to make an adequate remittance (column 12, lines 5-20; column 18, lines 62-68; column 19, lines 5-19; column 33, lines 51-67).

11. As per claim 6, Lawlor et al. further teaches the method of claim 1 described above.

Lawlor et al. further teaches wherein the funding entity comprises a financial institution (column 36, lines 28-51; abstract).

12. As per claim 7, Lawlor et al. teaches the method of claim 1 described above. Lawlor et al. further teaches wherein the finding entity is related to a professional organization to which the vendor is a member (column 18, lines 19-35; column 11, lines 1-21).

13. As per claim 8, Lawlor et al. teaches the method of claim 1 described above. Lawlor et al. further teaches wherein the vendor secures a second account code from the purchaser, and the second account code is used in paying a portion of the payment for the transaction (column 3, lines 47-56; column 23, lines 5-8; column 5, lines 26-53; column 21, line 47-column 22, line 43; column 12, lines 5-20; column 18, lines 62-68).

14. As per claim 9, Lawlor et al. teaches the method of claim 8 described above. Lawlor et al. further teaches wherein the vendor secures both the first and second account codes from a single electronic transaction device carried by the purchaser (abstract; column 3, lines 47-56; column 23, lines 5-8; column 5, lines 26-53; column 21, line 47-column 22, line 43).

15. As per claim 10, Lawlor et al. teaches the method of claim 9 described above. Lawlor et al. further teaches wherein the electronic transaction device comprises first and second machine readable display areas that concurrently display the first and second account codes (abstract; column 3, lines 47-56; column 23, lines 5-8; column 5, lines 26-53; column 21, line 47-column 22, line 43).

Art Unit: 3691

16. As per claim 12, Lawlor et al. teaches the method of claim 1 described above. Lawlor et al. further teaches the method comprising the vendor substantially concurrently communicating financial details of the transaction and insurance information related to the transaction using a public packaged switched network (abstract; column 21, lines 19-45; column 11, lines 1-21).

17. As per claim 13, Lawlor et al. teaches the method of claim 12 described above. Lawlor et al. further teaches wherein the insurance information comprises medical insurance information (column 11, lines 1-21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER